

## REMARKS

An Office Action was mailed on September 20, 2004. In the present Response, Applicants amend claims 22, 50, 57 and 58. No new matter is added. Support for the amendments may be found, for example, at page 71, line 21 through page 72, line 23 of Applicants' specification.

### REJECTIONS UNDER 35 U.S.C. § 103

Claims 22 – 28 and 50 -58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,764,736 to Shachar et al. in view of U.S. Patent No. 5,838,682 to Dekelbaum et al. and U.S. Patent No. 4,995,074 to Goldman et al. Applicants amend independent claims 22, 50, 57 and 58 to further clarify the nature of their invention, and respectfully traverse this rejection.

In amended independent claim 22, for example, Applicants claim:

**22.** A terminal communicating with a server through a communications network, comprising:

a temporary line disconnection unit, monitoring a content of received data from the server, and when specified data is received, disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of the terminal when said terminal voice communicates with a third party other than the server through said communication network during the data communications with the server, and automatically connecting the server to the terminal when the voice communications terminate;

an automatic data fetch unit automatically fetching data of web sites including information requested by a user from the server to the terminal, and wherein said automatic data fetch unit includes

means for fetching, from the server, data which is not being accessed by the upper layer application and which is linked from a website that the user is viewing, and for storing the obtained data during the data communications with the server, and

means for passing the stored data to the upper layer application during the voice communications with the third party when the user selects the link to the website corresponding to the stored data; and

a storage unit storing the data fetched by said automatic data fetch unit,

wherein a data communicating process is performed from a status at a point immediately before starting the voice communications when the server and the terminal resume the data communications.

Shachar discloses a method for manipulating voice and data connections between a data communication session and voice communication (see, e.g., abstract of Shachar). In the event that a voice communication is requested during a data communication session, the method provides a means for storing information about the data communication session so that the data communication session can be resumed. The Examiner acknowledges that Shachar fails to disclose Applicants' claimed automatic data fetch unit for automatically fetching data of web sites including information requested by a user from a server to the user's terminal, but suggests that this unit as claimed is taught by Dekelbaum.

Dekelbaum discloses a method and apparatus for connecting with a merchant's server over a switched network while maintaining Internet connectivity over a packet network (see, e.g., abstract of Dekelbaum). Dekelbaum provides means by which a merchant server can push data to a user's browser application either under the server's control or in response to the initiation by the user of a connection to the server during a session between the sever and a client for viewing by the client at that point in time (see, e.g., column 15, lines 2 – 25 of Dekelbaum). However, unlike Applicants' claimed invention, Dekelbaum fails to disclose or suggest Applicants' claimed means for fetching data that is not being concurrently accessed by the upper layer application but is linked from a website that the user is viewing, means for storing that fetched data, and means for

passing stored data to the upper layer application during voice communications with the third party only when the user selects the link to the website corresponding to the stored data.

Goldman discloses a switched line modem interface system that includes a user terminal interface and a host interface that support suspension of a data communication session when the user proceeds to make a voice call. Like Shachar and Dekelbaum, Goldman fails to teach or suggest Applicants' claimed automatic data fetch unit.

Accordingly, Applicants' respectfully submit that Shachar, Dekelbaum and Goldman, fail to make obvious the invention disclosed by Applicants' amended independent claim 22. Applicants substantially repeat the above arguments with regard to amended independent claims 50, 56 and 57, which contain limitations similar to amended independent claim 22 as to automatic data fetching means for providing virtual data communications during voice communications in a terminal. On at least this basis, Applicants respectfully submit that amended independent claims 50, 56 and 57 are not made obvious by the cited references.

Applicants therefore respectfully submit that amended independent claims 22, 50, 56 and 57 are currently allowable. As dependent claims 23 – 28 and 51 – 56 respectively depend from allowable claims 22 and 50, Applicant submit that claims 23 – 28 and 51 – 56 are allowable for at least this reason.

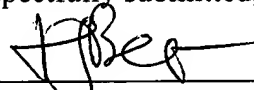
## CONCLUSION

In view of the above amendments and remarks, it is believed that claims 22 – 28 and 50 - 58, consisting of independent claims 22, 50, 57 and 58, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly

solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

We respectfully request that all fees relating to this application be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,



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